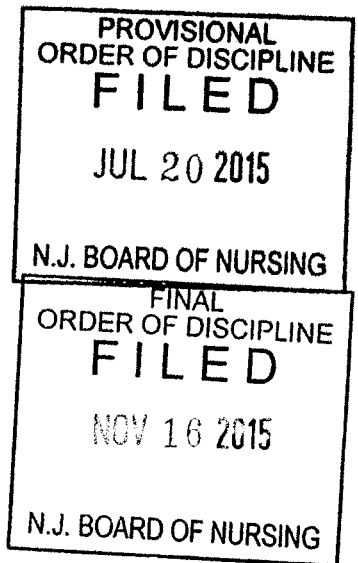


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the State Board of Nursing

By: Susan Carboni  
Deputy Attorney General  
(973) 648-2894



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
COLEEN SOYER, L.P.N.	:	
License # 26NP 05158900	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>Nov. 16, 2015</u> )
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about May 5, 2015, a letter of inquiry issued on behalf of the Board, asking respondent about a recent incident involving the police where she appeared intoxicated and was purportedly referred by the Department of Children and Families to a monitoring program for nurses, the Recovery and Monitoring Program of New Jersey (RAMP). The letter also asked respondent about her nursing practice; for documentation of completion of required nursing continuing education for the 2012-2014 licensing cycle; and about her history in connection with DUI convictions. (Exhibit A)

3. The inquiry was sent to respondent at her address of record with the Board by certified and regular mail. Notice of the certified mailing was left on May 11, 2015. (Exhibit A) The regular mailing was not returned. No response has been received to date.

4. Respondent has the following arrest history with respect to driving under the influence of alcohol:

a) She was arrested on February 28, 2003 in Atlantic City. She was convicted on August 24, 2004 and assessed \$1,057, with a 90 day suspension of driver's license.

b) She was again arrested in Galloway on July 11, 2004. She was convicted on August 24, 2004, and assessed \$611, with a two year suspension of drivers license.

c) She was arrested on March 6, 2006 in Pleasantville. She was convicted on June 14, 2006, and assessed \$1,364, with a ten year suspension of license.

d) She was arrested on January 17, 2008 in Ventnor. She was convicted on April 1, 2008. She was assessed \$1,364, with a ten year suspension of license, to be made consecutive with the earlier ten year suspension.

5. Respondent indicated on her 2014 renewal application that she would have completed all required continuing education for the 2012-2014 licensing cycle by May 31, 2014.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board inquiry constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.2, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. The complaint from Star Pediatric, in the form of a signed certification, which indicates that a patient's morphine medication was missing after respondent provided home care for that patient, and that respondent subsequently tested positive for opiates, is a sufficient basis for the Board to order respondent, as a condition for continued licensure, to undergo

evaluation and monitoring to verify that her continued practice as a nurse does not place the public at risk, pursuant to N.J.S.A. 45:1-22(f).

ACCORDINGLY, IT IS on this 20<sup>th</sup> day of July, 2015,  
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in  
this matter:

1. Respondent's New Jersey nursing license is hereby suspended until she has fully responded to the Board's inquiry, and until she has demonstrated that she is fit and competent to practice nursing.

2. Respondent is hereby ordered pursuant to N.J.S.A. 45:1-22(f) to enroll in the Recovery and Monitoring Program of New Jersey (RAMP) for evaluation and monitoring to demonstrate that her continued practice as a nurse does not place the public at risk. Upon the filing of a Final Order of Discipline in this matter, suspending respondent's nursing license, there shall be no reinstatement of that license until respondent has undergone evaluation to demonstrate that she is fit to perform nursing duties.

3. A civil penalty in the amount of \$500 is hereby imposed for the failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and sent to the attention of Leslie

Burgos-Bonilla, Board of Nursing, P.O. Box 45010, 124 Halsey Street, Sixth Floor, Newark, NJ 07101 within twenty-one (21) days of the filing of a Final Order of Discipline in this matter.

4. Upon finalization of this order, respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are

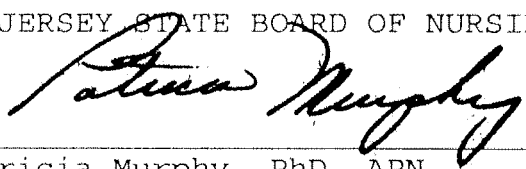
necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:

  
\_\_\_\_\_  
Patricia Murphy, PhD, APN  
Board President